



State of Arizona  
Department of Education

## MEMORANDUM

**DATE:** March 26, 2012  
**TO:** Directors and Special Education Staff  
**FROM:** Aiden Fleming, Legislative Liaison  
**SUBJECT:** Empowerment Scholarship Account MET Renewal

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### Overview

During the First Regular Session of the 50<sup>th</sup> Legislature SB1553 was enacted into law creating the Empowerment Scholarship Account (ESA) Program. The ESA program is an account established to provide an education for special needs students, and must include reading, grammar, mathematics, social studies and science.

The scholarship program allows parents to remove their special needs child/children from the public school system and enroll them in a private, online or a home school setting.

Pursuant to A.R.S. § 15-2403, The Arizona Department of Education (ADE) is required to administer the ESA program as well as set rules and policies regarding its implementation. A.R.S. § 15-2401(5) states that a "Qualified student" means a resident of this state who is either identified as having a disability under section 504 of the rehabilitation act (29 United States Code section 794), **identified by a school district as a child with a disability** as defined in section 15-761 or a **child with a disability who is eligible to receive services from a school district** under section 15-763..." (Emphasis added)

### Initial Application

It is a statutory requirement that the applicant student be "identified by a school district as a child with a disability" (A.R.S. § 15-2401(5)). A copy of a current district developed IEP/MET or 504 must be provided to ADE by the parent to be considered for the ESA program. If approved, the student is formally withdrawn from the public school system and funded by the scholarship based on the state funding formula to a one year contract with ADE.

### ESA Renewal

In order to renew an annual ESA contract, ADE requires parents of qualified students to maintain current determination documents (IEP/MET/504 plans). Since ESA children are no longer enrolled in the public school system, a full IEP cannot be developed by the last district school attended by the student. However, private school ISPs cannot be used due to A.R.S. § 15-2401(5) requiring a district determination to maintain eligibility.

### ESA Renewal Policy

Parents seeking renewal shall obtain an "Eligibility Determination Form" from their last attended district school pursuant to A.R.S. § 15-766 (Child Find) or; contract privately with the district to have a complete IEP developed. Districts are not required to develop a full IEP for ESA students unless compensation is agreed upon, but must provide an "Eligibility Determination Form" using AZ-TAS guidelines.

With first year ESA contracts set to expire on 6/30/12, please be prepared for ESA parents to be contacting local districts inquiring about renewing "MET Eligibility Determination." Although the program currently has approximately 160 active accounts, enrollment for FY12-13 begins on 3/26/12 where enrollment is projected to increase.

For more information you may go to [www.azed.gov/esa](http://www.azed.gov/esa) or contact ESA Staff at (602)364-1969.